



within the time frame specified, petitioners assert a “Table injury” claim. *Id.* at 1, ¶ 17; see 42 C.F.R. § 100.3(a)(III)(A) (2015) (listing the Table injury of anaphylaxis or anaphylactic shock within four hours of receiving any component of the measles, mumps, and rubella vaccine). In the alternative, petitioners allege J.M. suffered an injury which was caused-in-fact by the measles, mumps, rubella, varicella (“MMRV”) and/or influenza vaccinations he received. Petition at 1, ¶ 18. Petitioners further allege neither they nor any other party has ever filed a lawsuit or received compensation for the vaccine related death of their son. *Id.* at ¶¶ 19-20. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 29, 2016, respondent filed a joint Rule 4(c) report and proffer in which she concedes that petitioners are entitled to compensation in this case. Respondent’s Rule 4(c) Report and Proffer at 1-2 (ECF No. 13). On June 30, 2016, the undersigned issued a ruling on entitlement, finding petitioners entitled to compensation. (ECF No. 14).

In her June 29, 2016 Rule 4(c) Report and Proffer, respondent included a proffer on award of compensation, stating the estate of J.M. should be awarded \$255,000.00. Respondent’s Rule 4(c) Report and Proffer at 6. “Respondent recommends compensation be awarded via a lump sum payment of \$255,000.00, in the form of a check payable to petitioners, as legal representatives of the estate of JM.” *Id.* Respondent indicates she “will require petitioners to provide documentation establishing their appointment as legal representatives of the estate of JM” (*id.*) before payment on the subsequent judgment can be made (*id.* at 6 n.1). Respondent adds that “[i]f petitioners are not authorized by a court of competent jurisdiction to serve as legal representatives of the estate of JM, then such payment on any judgment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as legal representative of the estate of JM.” *Id.* Respondent represents that petitioner agrees with the proffered award. *Id.* at 6. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Respondent’s Rule 4(c) Report and Proffer.

Pursuant to the terms stated in the Respondent’s Rule 4(c) Report and Proffer,<sup>3</sup> **the undersigned awards petitioner a lump sum payment of \$255,000.00 in the form of a check payable to petitioners, Leah Mims and Donelle Mims, as legal representatives of the estate of JM, provided they have produced documentation establishing their appointment as legal representatives of the estate of JM. If another party or parties are appointed as legal representative(s) of the estate of JM by a court of competent jurisdiction, the check shall be made payable to the party or parties so appointed as legal representatives of the estate of JM. This amount represents compensation for all damages that would be available under § 300aa-15(a).**

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<sup>3</sup> Because Respondent’s Rule 4(c) Report and Proffer contains detailed medical information, it will not be attached to this decision.

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.